

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

Todd A. King,

Petitioner,

v.

Case No. 3:22-cv-154

Judge Thomas M. Rose

Magistrate Judge Michael R. Merz

Warden, Lake Erie Correctional Institution,

Respondent.

**DECISION AND ENTRY ADOPTING SUPPLEMENTAL REPORT AND
RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE
MERZ, (ECF 14, 20), OVERRULING PETITIONER’S OBJECTIONS TO
MAGISTRATE JUDGE’S REPORT AND RECOMMENDATIONS, (ECF
17, 23), DENYING A CERTIFICATE OF APPEALABILITY, AND
TERMINATING CASE.**

Pending before the Court are a Report and Recommendation, (ECF 14), suggesting that the Court deny Petitioner’s Petition for a Writ of Habeas Corpus. (ECF 1). Petitioner filed Objections, (ECF 17), prompting the Magistrate Judge, after a recommittal, (ECF 19), to file a Supplemental Report and Recommendation. (ECF 20). Petitioner then filed Objections (ECF 23) to the Magistrate’s Supplemental Report and Recommendation. The Magistrate Judge recommends that the Petition be dismissed with prejudice. He also recommends finding that reasonable jurists would not disagree with this conclusion, that Petitioner be denied a certificate of appealability and that the Court certify to the Sixth Circuit that any appeal would be objectively frivolous and should not be permitted to proceed *in forma pauperis*.

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court

has made a *de novo* review of the record in this case, taking into consideration both of Petitioner's objections. Upon said review, the Court finds that Petitioner's Objections, (ECF 17, 23), to the Magistrate Judge's Supplemental Report and Recommendations, (ECF 14, 20), are not well taken and they are hereby **OVERRULED**. The Court **ADOPTS IN FULL** the Magistrate Judge's Reports and Recommendations. (ECF 14, 20). The case is **TERMINATED**.

DONE and **ORDERED** this Tuesday, August 8, 2023.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE